



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29707 of 2019

K.K. Sivakumaaran

... Petitioner

-vs-

1. The Deputy General Manager,
Indian Oil Corporation,
No. 139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

2. Shrikanth

... Respondents

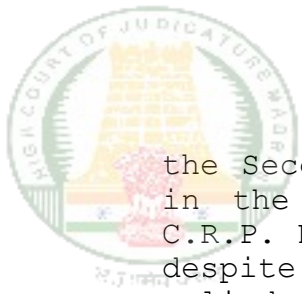
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, against the First Respondent to call for the records of the First Respondent in Ref. No. CHAO/605 dated 17.09.2019 addressed to the Petitioner and quash the same and further direct the First Respondent to dispose of the representation of the Petitioner dated 27.08.2019 afresh by conducting a due enquiry giving opportunity to both parties to adduce oral and documentary evidence and direct the First Respondent to dispose of representation dated 27.08.2019 in accordance with law.

For Petitioner : Mr. N. Ramanujam
For Respondents: Mr. Mohamed Fayaz Ali (For R1)
Mr. Illayaraj Kumar (For R2)
for M/s. Ramalingam Associates

O R D E R

Heard Mr. N. Ramanujam, Learned Counsel appearing for the Petitioner and Mr. Mohamed Fayaz Ali, Learned Counsel appearing for the First Respondent and Mr. Illayaraj Kumar for M/s. Ramalingam Associates, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who claims to be the owner of the property situated at Nos. 34 A and 34 B, Mettu Street, Pallikoodathan Street, Kanchipuram, had complained to the First Respondent by representation dated 27.08.2019 that the father of



the Second Respondent, viz., Punniyakotti Mudaliar, was a tenant in the aforesaid property and that eviction proceedings in C.R.P. No. 2269 of 2010, are pending before this Court, and that despite the same, the Second Respondent is illegally storing LPG cylinders in that premises and has sought to revoke and cancel the dealership of the Second Respondent. In response to the same, the First Respondent by letter No. Ref. CHAO/605 dated 17.09.2019 informed the Petitioner that the Second Respondent, viz., P. Srikanth, Proprietor of M/s. Sri Kamachi Gas Service, Kancheepuram, as distributor of the First Respondent is storing LPG cylinders only at the godown at S. No. 146/2A, Thirupathikundram Road, Chennai Vandavasi Bypass to Thirupathikundram, Kancheepuram District, for which PESO licence has also been obtained and that he is having showroom at old No. 35, new No. 139, Mettu Street, Kancheepuram, and that it has been confirmed that he is not using the property of the Petitioner for storing LPG cylinders as alleged. In that backdrop, the Writ Petition has been filed challenging the aforesaid letter No. Ref. CHAO/605 dated 17.09.2019 sent by the First Respondent to the Petitioner and for consequential direction to dispose the representation dated 27.08.2019 afresh by conducting due enquiry after affording full opportunity of personal hearing to both parties to adduce oral and documentary evidence.

3. Having regard to the fact that the First Respondent has already considered and passed orders on the representation dated 27.08.2019 made by the Petitioner, if the Petitioner has any grievance on the factual correctness of the conclusions arrived therein, he has to only work out his remedy by institution of suit in the jurisdictional Civil Court in that regard for necessary relief to prevent the Petitioner from using his premises, if his contentions are true, and the First Respondent cannot be required to conduct any fresh enquiry in that regard.

4. Accordingly, the Writ Petition is dismissed. It is made clear that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

gsa/vjt



To

1. The Deputy General Manager,
Indian Oil Corporation,
No. 139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam, Chennai 600 034.

+1 CC to M/s. Ramalingam Associates sr 91402.
+1 CC to M/s. Mohamed Fayaz Ali, Advocate sr 91019.
+1 CC to Mr.N. Ramanujam, Advocate sr 91011.

W.P. No. 29707 of 2019

BS (CO)
SP (09/01/2020)